

REMARKS

Claims 1-27 are pending in the subject application, with only claim 1 being independent. Claim 1 is amended herein to better distinguish over the apparatus disclosed in Reference D1 of the Written Opinion of the International Searching Authority, namely, US 2 225 658 A (RAUCHFUSS, FRANZ). Claims 5, 6, 15, 16, and 21 also are being amended.

As originally worded, Claim 1 recited a spoon-shaped implement comprised of:

“a bowl having an upper surface that is concave, an undersurface that is convex, and a leading edge;
a handle that is attached to the bowl at a location substantially opposite the bowl’s leading edge,
wherein the bowl has a plurality of grating holes through it that present a rubbing zone that is sufficiently rough that a gratable foodstuff can be reduced to small particles by rubbing it on the zone.”

Reference D1 discloses a grater having a handle 18. The grater portion is a square of thin sheet metal that is arched in one dimension. (See Fig. 2 and page 2, lines 15-17.) The grater “can conveniently be used for the scaling of fish as well as for lifting fish and the like out of a cooking vessel.” (Page 1, lines 7-10.)

As presently amended, Applicant’s claim 1 calls for “a symmetrical bowl having an upper surface that is concave *in two dimensions*.” Thus, the bowl must not merely be curved in one plane, it must be curved in two planes, like the bowl of a conventional spoon.

The grating portion of the implement in Reference D1 does not meet this limitation. It is only concave in one dimension. This severely limits the utensil’s

usefulness for holding and transferring food items. If tilted slightly to either side, the contents will fall off.

Moreover, it would not be obvious to reshape the grating portion of the D1 utensil into that of a bowl, for to do so would greatly detract from its usefulness for scaling fish and lifting fish out of a cooking vessel. By being curved in only one dimension -- i.e., arcuate -- the D1 grater conforms to the side of a fish and therefore can be easily dragged along the length of the fish to descale it. Also, this shape is needed to cradle the fish when lifting it out of a cooking vessel.

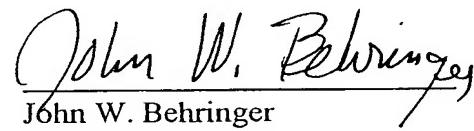
The Written Opinion of the International Searching Authority also expresses the view that Reference D2 (US 5 447 351 A (KLUNDER ET AL.)) discloses a pair of safety tongs that meet all the limitations of Claims 1, 2, 9-14, and 22-27. Applicant respectfully disagrees.

While the safety tongs of Reference D2 do have bowl-shaped gripping portions 28 and 30 that have holes 62 and 64 therein, there is no mention or suggestion that these holes might "present a rubbing zone that is sufficiently rough that a gratable food stuff can be reduced to small particles by rubbing it on the zone," as is recited in Applicant's claim 1. All that is said about holes 62 and 64 is that they "allow hot liquid to pass therethrough while in use." (Col. 4, l. 10-11.)

Accordingly, Applicant submits that all of the pending claims, as presently amended, recite implements that are novel as compared to the devices disclosed in References D1 and D2, and that the nature of that novelty is such as to constitute an inventive step.

Any questions may be directed by telephone to Applicant's undersigned agent, who may be reached in our Washington office at (202) 530-1010. All correspondence for Applicant should continue to be directed to our address given below.

Respectfully submitted,



John W. Behringer
John W. Behringer
Agent for Applicant

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

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